

**ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE**

**Final Hearing
(Day 271)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Thursday, 14 December 2017 at 9.30am

Before:

The Chair: Justice Peter McClellan AM
Before Commissioners: Justice Jennifer Ann Coate
Mr Bob Atkinson AO APM
Mr Robert Fitzgerald AM
Professor Helen Milroy
Mr Andrew Murray

Counsel Assisting: Ms Gail Furness SC

1 THE CHAIR: Thank you. As we begin this morning, the
2 Commissioners wish to acknowledge the First Peoples of
3 Australia. We offer our respect and thanks to the Gadigal
4 Elders of the Eora Nation, past and present, and all
5 traditional Elders across Australia.

6
7 Uncle Allen Madden is with us, and I ask him to give
8 the traditional welcome to country. Thank you.

9
10 UNCLE ALLEN MADDEN (GADIGAL ELDER): Thank you. Once
11 again my name is Allen Madden, Gadigal Elder.

12
13 Your Honour, Prime Minister, distinguished guests,
14 ladies and gentlemen, first and foremost I would like to
15 acknowledge our Aboriginal Elders, all Elders, past and
16 present, and pay my respects to all our Aboriginal and
17 Torres Strait Islander brothers and sisters. From whatever
18 Aboriginal or island nation you may have come from, welcome
19 to Gadigal.

20
21 To all our non-indigenous brothers and sisters here
22 today, a very warm and sincere welcome to you to Gadigal.
23 No matter where you come from, whether it be across the
24 seas, across the State or across town, once again, a very
25 warm and sincere welcome to you to Gadigal.

26
27 As I've mentioned many times before, it was, is, and
28 always will be, Aboriginal land. Only three things are
29 surer than that - coming, taxation, and going.

30
31 It is an honour and pleasure to be here today to
32 welcome one and all to Gadigal. Gadigal is one of 29 clans
33 of the Eora Nation. The Eora Nation is bounded by nature's
34 own - the Hawkesbury River to the north, Nepean to the
35 west, and Georges River to the south. In between those
36 three mighty rivers is the Eora Nation.

37
38 In that nation there are 29 clans. The clan land we
39 are on today is Gadigal. On behalf of members of the
40 Metropolitan Local Aboriginal Land Council, and of the
41 Gadigal mob, once again, a very warm and sincere welcome to
42 you to Gadigal.

43
44 And as you travel across these traditional lands and
45 waters, may the spirits of our ancestors guide, look over
46 you and keep you safe.

1 So, once again, on behalf of the Land Council and of
2 the Gadigal mob, welcome, welcome, welcome. Thank you.

3
4 THE CHAIR: Thank you, Uncle Allen.

5
6 On 12 November 2012, Prime Minister Julia Gillard
7 announced the creation of The Royal Commission into
8 Institutional Responses to Child Sexual Abuse. It was to
9 be a national commission held jointly with each of the
10 States and Territories. The announcement was supported by
11 the Hon Tony Abbott, who was then the Leader of the
12 Opposition in the Australian Parliament.

13
14 On 11 January the following year the Prime Minister
15 announced that the Governor-General had agreed to establish
16 the Royal Commission and the Letters Patent were issued.

17
18 On that occasion the Prime Minister said that she:

19
20 *... believed our nation needs to have this*
21 *Royal Commission. Child sexual abuse is*
22 *a hideous, shocking and vile crime. And it*
23 *is clear from what is already in the public*
24 *domain that too many children were the*
25 *subject of child sexual abuse in*
26 *institutions. That they've had to live*
27 *with the trauma of that child sexual abuse*
28 *for the rest of their lives; that they*
29 *weren't provided with a safe childhood and*
30 *a safe place to be. And that too many*
31 *adults, who could've assisted them, turned*
32 *a blind eye so that they didn't get the*
33 *help that they needed.*

34
35 The Prime Minister spoke of her hope that the Royal
36 Commission will bring about the systemic change that people
37 have been wanting for such a long time. She spoke of their
38 need for redress and support and, for some, the need for
39 treatment. She also anticipated that, although initially
40 the Royal Commission would be required to report within
41 three years, the end date could be extended if necessary.

42
43 Finally, the Prime Minister emphasised the potential
44 for the Royal Commission to make sure that the terrible
45 wrongs that had been done in the past to children in our
46 country, to the greatest extent, never happen again.

1 The Royal Commission held its opening sitting in
2 Melbourne on 3 April 2013. On that occasion, I spoke of
3 the intent of the government to seek an amendment of the
4 Royal Commission Acts to enable the Royal Commission to
5 receive the personal stories of individuals in what have
6 become known as private sessions. As the government
7 anticipated, private sessions have been one of the
8 fundamental tasks of this Royal Commission. On that day,
9 we also opened our telephone call centre to enable
10 survivors to make contact with us to report allegations of
11 sexual abuse in an institutional context and make
12 arrangements to attend a private session.
13

14 In all, more than 15,000 people who we have confirmed
15 to be within our terms of reference have contacted the
16 Royal Commission.
17

18 Just over 8,000 people have come and spoken with
19 a Commissioner in a private session. For many of those
20 people, it has been the first time they have told their
21 story. Most have never been to the police or any person in
22 authority to report the abuse. More than 2,500 allegations
23 have been reported by the Royal Commission to the police.
24 Many of these matters came to our attention in a private
25 session. So far, 230 prosecutions have been commenced.
26 Although hundreds of matters are at different stages of
27 investigation throughout Australia, it is inevitable that
28 some alleged offenders will have already died or, for good
29 reason, cannot now be prosecuted.
30

31 In addition to private sessions, more than 1,300
32 survivors have provided us with a written account of their
33 experiences. We have also heard from parents, spouses and
34 siblings about allegations of the abuse of their relatives,
35 many of whom have died, sometimes through suicide.
36

37 For victims and survivors, telling their stories has
38 required great courage and great determination.
39

40 Most are stories of personal trauma and many are of
41 personal tragedy. It is impossible not to share the anger
42 many survivors have felt when they tell us of their
43 betrayal by people they believed they were entitled to
44 trust.
45

46 For many survivors, talking about past events required
47 them to revisit traumatic experiences that profoundly

1 harmed them. Many spoke of having their innocence stolen,
2 their childhood lost, their education and prospective
3 career taken from them and their personal relationships
4 damaged for the rest of their lives. For many, sexual
5 abuse is a trauma they can never escape. It can affect
6 every aspect of their lives.

7
8 We also witnessed extraordinary determination and
9 resilience. We spoke with many people who, with
10 professional help and the support of others, have taken
11 significant steps towards recovery.

12
13 The Commissioners thank each of the survivors who told
14 us their personal stories. They have had a profound impact
15 on the Commissioners and our staff. Without them, we could
16 not have done our work. Each survivor's story is important
17 to us. Their stories have helped us to identify what
18 should be done to make institutions safer for children in
19 the future. It has been a privilege for the Commissioners
20 to sit with and listen to survivors. The survivors are
21 remarkable people with a common concern to do what they can
22 to ensure that other children are not abused. They deserve
23 our nation's thanks.

24
25 Many survivors have been assisted by organisations
26 whose purpose is to support them and advocate on their
27 behalf. Early in our work, we met with the leaders of
28 these groups, and we continued to work with them throughout
29 the Royal Commission. They helped us to develop an
30 appropriate private sessions process and worked with our
31 counsellors to ensure the wellbeing of all survivors who
32 came to us. Supporters and advocates assisted in the
33 preparation of written accounts, attended as support
34 persons in private sessions, and assisted witnesses in our
35 public hearings. They have our great respect for the
36 remarkable work they do, often with very limited resources.

37
38 The Royal Commission conducted a total of 57 case
39 studies, resulting in 44 separate reports to government.
40 Because of ongoing criminal investigations and
41 prosecutions, we have recommended that our case study
42 reports concerning Catholic Church authorities in Ballarat
43 and Melbourne, and some events in New South Wales and the
44 Anglican Diocese of Newcastle, should be suppressed in
45 whole or in part until the criminal process has been
46 concluded. Although I know this will disappoint some
47 people, it is important that nothing should occur that

1 might compromise any criminal proceedings.

2
3 To gain an understanding of past events and develop
4 recommendations to bring effective change across a broad
5 range of complex issues, we needed the cooperation of many
6 people and institutions. Although this was not always the
7 case, many institutions and government agencies accepted
8 that they had failed and engaged constructively with us in
9 discussions about how they should change. The
10 Commissioners thank the governments and all of the
11 institutions and individuals who participated in our
12 various consultation processes, including our many
13 roundtables, that have assisted in developing our
14 recommendations.

15
16 We also thank the media organisations for their
17 interest in and comprehensive reporting of the
18 Royal Commission's work. Many media outlets provided
19 extensive coverage. The ABC reported every case study on
20 television, radio and online almost every sitting day.

21
22 The work of the Royal Commission in many areas was led
23 by Ms Gail Furness, Senior Counsel Assisting. Together
24 with a number of other counsel, she was responsible for the
25 multiple forensic tasks required of the Royal Commission.
26 However, her contribution to the inquiry extended well
27 beyond those tasks. She played a significant role in the
28 development of our recommended policy responses in many
29 areas.

30
31 More than 680 people worked for the Royal Commission
32 during its life, across the varied range of our activities.
33 The Commissioners thank each of them. Although the work
34 was stressful and often confronting, they came to the
35 Royal Commission intent on seeing change to improve the
36 safety of children and a just response for survivors.

37
38 A number of aspects of our work were unique,
39 particularly our engagement with survivors and the wider
40 community. Our research and policy development covered
41 a broad range of issues. Our public hearings required
42 intense and comprehensive preparation. The development of
43 our conclusions, recommendations and reports involved input
44 from staff across the organisation. Our senior management
45 team, together with the Chief Executives, ensured that the
46 Royal Commission completed our task in a timely manner and
47 within budget. We are particularly appreciative of the

1 contribution of Chief Executive Mr Philip Reed to the
2 Royal Commission's effective operation.

3
4 More than 4,000 individual institutions have been
5 reported to us as places where abuse has occurred. While
6 some institutions have ceased to operate, others continue
7 to be actively engaged with children and young people. The
8 most effective use of our resources and the risk of
9 prejudicing criminal investigations or prosecutions meant
10 that we could not publicly examine or report on many
11 institutions in which survivors told us they had been
12 sexually abused, and that the response to their allegations
13 was inadequate.

14
15 The failure to protect children has not been limited
16 to institutions providing services to children. Some of
17 our most important State instrumentalities have failed.
18 Police often refused to believe children. They refused to
19 investigate their complaints of abuse. Many children, who
20 had attempted to escape abuse, were returned to unsafe
21 institutions by the police. Child protection agencies did
22 not listen to children. They did not act on their
23 concerns, leaving them in situations of danger. Our
24 criminal justice system has created many barriers to the
25 successful prosecution of alleged perpetrators.
26 Investigation processes were inadequate and criminal
27 procedures were inappropriate. Our civil law placed
28 impossible barriers on survivors bringing claims against
29 individual abusers and institutions.

30
31 Many institutions we examined did not have a culture
32 where the best interests of children were the priority.
33 Some leaders did not take responsibility for their
34 institution's failure to protect children. Some leaders
35 felt their primary responsibility was to protect the
36 institution's reputation, and the accused person. Many did
37 not recognise the impact this had on children. Poor
38 practices, inadequate governance structures, failures to
39 record and report complaints, or understating the
40 seriousness of complaints, have been frequent.

41
42 The greatest number of alleged perpetrators and abused
43 children, in Church-managed facilities that we are aware
44 of, were in Roman Catholic institutions. In many religious
45 institutions, in particular but not only the Catholic
46 Church, the power afforded to people in religious ministry,
47 and the misplaced trust of parents, combined with aspects

1 of the culture, practices and attitudes within the
2 institutions to create risks for children. Alleged
3 perpetrators were often allowed to have access to children,
4 even when religious leaders knew they posed a danger.
5 Alleged perpetrators were often transferred to another
6 location where they had access to children but were never
7 reported to police.

8
9 It was obvious to the Commissioners early in our work
10 that in many institutions there were structural and
11 cultural problems that had allowed and, in some cases
12 facilitated, the sexual abuse of children. Some of those
13 problems had the consequence that, when the abuse was
14 brought to the notice of the institution, the response was
15 inadequate and, in many cases, unjust. It may have been
16 because of the exalted role of the abuser, the desire to
17 protect the reputation of the institution, or just to
18 protect an abuser who was also a friend. In some cases,
19 the aggressive hand of the lawyer was engaged, ensuring
20 that an appropriate and just response to a survivor was not
21 possible.

22
23 The sexual abuse of children is not just a problem
24 from the past. Child sexual abuse in institutions
25 continues today. We were told of many cases of abuse that
26 occurred in the last 10 to 15 years, in a range of
27 institutions, including schools, religious institutions,
28 foster and kinship care, respite care, health and allied
29 services, performing arts institutions, childcare centres
30 and youth groups. We heard in private sessions from
31 children as young as seven years of age who told us they
32 had been recently abused. In some case studies into
33 schools, the alleged abuse was so recent that the children
34 are still attending the relevant school.

35
36 The conjunction of events which the Royal Commission
37 has examined can only be described as a national tragedy.
38 Across many decades, many institutions failed our children.
39 Our child protection, criminal and civil justice systems
40 let them down. Although the primary responsibility for the
41 sexual abuse of a child lies with the abuser and the
42 institution of which they were part, we cannot avoid the
43 conclusion that the problems faced by many people who have
44 been abused are the responsibility of our entire society.
45 Society's values and the mechanisms which were available to
46 regulate and control aberrant behaviour failed.

1 You may be aware that the Royal Commission has already
2 provided three policy reports to government - Working With
3 Children Checks, Civil Litigation and Redress, and Criminal
4 Justice. The final report, which will be given to the
5 Governor-General tomorrow, apart from detailing our
6 conclusions and recommendations, will cover a broad range
7 of issues relating to both government and institutions.
8

9 There may be leaders and members of some institutions
10 who resent the intrusion of the Royal Commission into their
11 affairs. However, if the problems we have identified are
12 to be adequately addressed, changes must be made. There
13 must be changes in the culture, structure and governance
14 practices of many institutions.
15

16 This Royal Commission has been concerned with the
17 sexual abuse of children within institutions. It is
18 important to remember that, notwithstanding the problems we
19 have identified, the number of children who are sexually
20 abused in familial or other circumstances far exceeds those
21 who are abused in institutions.
22

23 The sexual abuse of any child is intolerable in a
24 civilised society. It is the responsibility of our entire
25 community to acknowledge that children are being abused.
26 We must each resolve that we should do what we can to
27 protect them. The tragic impact of abuse for individuals
28 and through them our entire society demands nothing less.
29

30 There is one final act that we must perform today.
31 Every person who attended a private session was invited to
32 send us a short written message. Strictly anonymous, they
33 were told that their message, which we have called
34 a Message to Australia, would be bound in a large book
35 which will carry that name. The National Library of
36 Australia has kindly accepted the role of custodian of the
37 Message to Australia book. It is actually on the Bar
38 table. I am going to ask Counsel Assisting the Commission,
39 Gail Furness SC, to explain a little more of the context of
40 the book.
41

42 Unfortunately, the Director-General of the National
43 Library could not join us today, but the NSW State
44 Librarian and Chief Executive Dr John Vallance is with us
45 to receive the book and speak to us on behalf of
46 Dr Marie-Louise Ayres, the Director-General of the National
47 Library.

1
2 MS FURNESS: Thank you, your Honour. As your Honour has
3 said, personal stories of victims and survivors have been
4 at the heart of the Royal Commission's work.
5 Royal Commissioners have held over 8,000 private sessions
6 and received written accounts from over 1,300 survivors.
7

8 After attending a private session or providing
9 a written account, survivors were invited to contribute
10 a message to be included in a commemorative collection, as
11 his Honour has indicated, to be called Message to
12 Australia. Survivors were free to write about their
13 experience or their hopes for the future. The resulting
14 book, which I have to say is too heavy to lift, is here on
15 the Bar table. It has over 1,000 pages and features more
16 than 1,000 messages from survivors not only across
17 Australia but also around the world. Many of the messages
18 in the book are in survivors' own handwriting.
19

20 I would like to read some contributions in the book:
21

22 *"At long last, for the first time in*
23 *26 years, I had a feeling of empowerment by*
24 *telling my story to the Commissioner, who*
25 *allowed me to have a voice. Hopefully,*
26 *society awareness and government action*
27 *should never allow child abuse to ever*
28 *happen again."*
29

30 *"I have come forward to tell my story so*
31 *that the gaps in the system can be filled*
32 *and no-one should have to tell their story*
33 *in the future."*
34

35 *"I was robbed of any chance of a productive*
36 *life because of the pain, shame and guilt*
37 *of child sexual abuse. Now I feel*
38 *I continue to justify my existence in*
39 *Australian society."*
40

41 And finally:
42

43 *For us that once had no voice, now we can*
44 *be heard. And for us whose lives were*
45 *destroyed, now we can begin to heal.*
46

47 Now, again, as his Honour has said, the Message to

1 Australia book will be held in the National Library, as
2 well as in all State and Territory libraries, and on behalf
3 of the Commissioners I thank the National Library and each
4 State and Territory Library for being the custodians of the
5 book and making available the messages to all. I will hand
6 over to the New South Wales State Librarian.

7
8 THE CHAIR: Dr John Vallance.

9
10 DR VALLANCE: Honourable Justice McClellan, Honourable
11 Justice Coate, Commissioners, Senior Counsel, distinguished
12 guests and, most importantly, all those present whose lives
13 have been touched by sexual abuse in institutional
14 settings, and who have had the courage to bear witness to
15 their suffering and to hold perpetrators to account, as
16 his Honour said, I am reading this speech, which has been
17 prepared by my colleague, Dr Marie-Louise Ayres, who is the
18 Director-General of the National Library of Australia.

19
20 On her behalf, I am honoured to accept this volume,
21 Message to Australia, in which individuals who shared their
22 stories with the Royal Commission chose also to share those
23 stories and their hopes for a safer future for children
24 with the wider Australian community. The volume will be
25 permanently retained in our collection, with a copy also
26 held in each State and Territory Library, to ensure that
27 these personal stories are never forgotten.

28
29 Again, this is Dr Ayres speaking:

30
31 *Accepting this volume has deep personal*
32 *resonance for me. A very dear friend*
33 *shared his story with the Commission in a*
34 *face to face interview. He could not speak*
35 *highly enough about the experience, of*
36 *being truly heard, and about the healing*
37 *this enabled. His message is in this book.*
38 *I have told him that we will keep it safe.*

39
40 *The National Library is deeply sensible of*
41 *the trust you have placed in us to keep all*
42 *of your stories safe.*

43
44 *The Library has already received - either*
45 *in physical or digital form - Commission*
46 *reports, case studies, consultation papers,*
47 *pamphlets, posters, booklets and kits. The*

1 *Commission's website and published research*
2 *has been archived, ensuring that this*
3 *online record of the Commission's work is*
4 *also kept safe.*

5
6 *We will conduct oral history interviews*
7 *with some of those associated with the*
8 *Commission over the next year. And the*
9 *Library will soon receive a collection of*
10 *precious items handed over by survivors*
11 *during interviews with the Commission.*
12 *These drawings, letters, diaries, poems,*
13 *autobiographies, maps, newspaper clippings*
14 *and objects are the most personal, the most*
15 *intimate of records - of pain, fear, grief,*
16 *rage, despair, hopelessness, and also of*
17 *hope, love and survival.*

18
19 *Together, this collection means that all*
20 *Australians, now and in the future, will be*
21 *able to hear directly from those most*
22 *affected by these most grievous of offences*
23 *against children, to know the truth of*
24 *their stories and to know that the nation*
25 *listened to every one of these messages.*

26
27 *The Library is also the custodian of oral*
28 *histories, books, pamphlets and personal*
29 *items documenting the lives of Aboriginal*
30 *and Torres Strait Islander families whose*
31 *lives were torn asunder through separation*
32 *of children from their parents, and the*
33 *lives of former child migrants and children*
34 *raised in institutional settings - children*
35 *who suffered greatly while the Australia of*
36 *the day looked the other way.*

37
38 *We take our responsibilities as custodians*
39 *very seriously. Our promise to you - as it*
40 *was to those harmed children - is to ensure*
41 *that the nation cannot forget.*

42
43 Thank you.

44
45 THE CHAIR: Thank you, Dr Vallance.

46
47 Finally, can I express the Commissioners'

1 appreciation, and I'm sure the appreciation of all those
2 present, that the Prime Minister, the Leader of the
3 Opposition and Shadow Minister have been able to join us
4 this morning.

5
6 Now, for the last time, the Commission will adjourn.

7
8 **AT 10.03AM THE COMMISSION WAS ADJOURNED ACCORDINGLY**

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